

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SHIRLENE FOAT LEITH,

Plaintiff,

v.

LIEUTENANT STEVE WEITZ et al.,

Defendants.

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Civ. No. 15-7227 (FLW) (LHG)

MEMORANDUM AND ORDER

Plaintiff, Shirlene Foat Leith (“Foat Leith” or “Plaintiff”), is a state prisoner, presently incarcerated at the Edna Mahan Correctional Facility, in Clinton, New Jersey. She is proceeding *pro se* with an Amended Complaint asserting claims under 42 U.S.C. § 1983. (ECF No. 18.) Presently pending before the Court are motions by the two active defendants, Steve Weitz and Dean Dakin, for summary judgment in their favor. (ECF Nos. 83 & 84.)

In April 2019, the Court received a letter from Foat Leith reporting that she had been sent from the halfway house where she was residing to the prison infirmary due to an ongoing medical condition. (ECF No. 86.) In this letter, she also indicated that, while she was aware of the pending summary judgment motions, she had lost access to her legal papers due to her transfer to the infirmary. (ECF No. 86.) In May 2019, however, Foat Leith submitted to the Court a letter and DVD concerning various evidence in her case. (ECF No. 89.) It is unclear whether that submission is intended to act as an opposition to the summary judgment motions. (*See id.*)

Assuming that Foat Leith has regained access to her legal papers, the Court grants her an additional 30 days to file any further opposition to the pending motions for summary judgment. If Foat Leith still lacks copies of the motion papers, she shall notify the court as soon as

practicable, so that the Court may determine the best way of ensuring her access to these motions and may set an appropriate briefing schedule. If Foat Leith files makes no further filings within 30 days of the entry of this order, her present filings will be treated as her opposition to the pending motion for summary judgment. Defendants shall be permitted 14 days to file replies after Foat Leith has filed any additional opposition papers or after her time to do so has expired.

Accordingly, IT IS, on this 14th day of June 2019,

ORDERED that, assuming Plaintiff has regained access to her legal papers, she shall file any opposition to Defendants' pending motions for summary judgment within 30 days of the entry of this Memorandum and Order; and it is further

ORDERED that, if Plaintiff still lacks copies of the motion papers, she shall notify the Court of that fact as soon as practicable, so that the Court may determine how to ensure her access to the motion papers and set an appropriate briefing schedule; and it is further

ORDERED that, if Plaintiff makes no filings within 30 days of the entry of this Memorandum and Order, her present filings will be treated as her only opposition to the pending motions for summary judgment; and it is further

ORDERED that Defendants shall file any reply briefs within 14 days of Plaintiff's filing of any additional opposition papers or of the expiration of Plaintiff's time to do so; and it is further

ORDERED that the Clerk of the Court shall send a copy of this Memorandum and Order to Plaintiff by regular U.S. mail.

s/Freda L. Wolfson
FREDA L. WOLFSON
U.S. Chief District Judge